

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation)
Against:)**

PETROS ASSEFA AYELE, M.D.)

Case No. 800-2018-041674

**Physician's and Surgeon's)
Certificate No. A103011)**

**Respondent)
_____)**

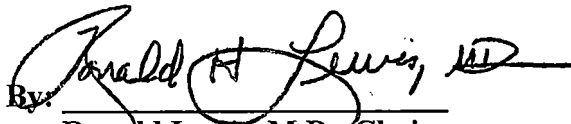
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 20, 2019.

IT IS SO ORDERED May 21, 2019.

MEDICAL BOARD OF CALIFORNIA

**By: 

Ronald Lewis, M.D., Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 ALICE W. WONG
Deputy Attorney General
4 State Bar No. 160141
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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Attorneys for Complainant
7

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **PETROS ASSEFA AYELE, M.D.**
14 **17601 Harper Ferry Drive**
15 **Dumfries, VA 22025**

16 **Physician's and Surgeon's Certificate No. A**
103011

17 Respondent.

Case No. 800-2018-041674

OAH No. 2018120279

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
23 of California (Board). She brought this action solely in her official capacity and is represented in
24 this matter by Xavier Becerra, Attorney General of the State of California, by Alice W. Wong,
25 Deputy Attorney General.

26 2. Respondent Petros Assefa Ayele, M.D. (Respondent) is representing himself in this
27 proceeding and has chosen not to exercise his right to be represented by counsel.
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2 3. On or about March 7, 2008, the Board issued Physician's and Surgeon's Certificate
3 No. A 103011 to Petros Assefa Ayele, M.D. (Respondent). The Physician's and Surgeon's
4 Certificate expired on June 30, 2019, and has not been renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2018-041674 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on August 24, 2018. Respondent timely filed his Notice of
9 Defense contesting the Accusation.

10 5. A copy of Accusation No. 800-2018-041674 is attached as exhibit A and incorporated
11 herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, and understands the charges and allegations in
14 Accusation No. 800-2018-041674. Respondent has also carefully read, and understands the
15 effects of this Stipulated Settlement and Disciplinary Order.

16 7. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
18 his own expense; the right to confront and cross-examine the witnesses against him; the right to
19 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
20 the attendance of witnesses and the production of documents; the right to reconsideration and
21 court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 **CULPABILITY**

26 9. Respondent agrees that, at an administrative hearing, Complainant could establish a
27 *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-
28

1 2018-041674 and that he has thereby subjected his Physician's and Surgeon's Certificate to
2 discipline as forth in the Disciplinary Order below.

3 **CONTINGENCY**

4 10. This stipulation shall be subject to approval by the Medical Board of California.
5 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
6 Board of California may communicate directly with the Board regarding this stipulation and
7 settlement, without notice to or participation by Respondent. By signing the stipulation,
8 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
9 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
10 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
11 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
12 the parties, and the Board shall not be disqualified from further action by having considered this
13 matter.

14 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
16 signatures thereto, shall have the same force and effect as the originals.

17 12. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or formal proceeding, issue and enter the following
19 Disciplinary Order:

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 103011 issued
22 to Respondent Petros Assefa Ayele, M.D. is publicly reprimanded pursuant to California Business
23 and Professions Code § 2227(a)(4). This Public Reprimand, which is issued in connection with
24 Respondent's actions as set forth in Accusation No. 800-2018-041674, is as follows:

25 On December 8, 2017, the Virginia Board of Medicine issued an Order where you were
26 reprimanded for failure to properly treat a patient for a clostridium difficile infection,
27 resulting in the patient subsequently developing sepsis and having to undergo a subtotal
28 cholecotomy with placement of a colostomy bag.

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DATED:

PETROS ASSEFA AYELE, M.D.
Respondent

Dated:

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General

STIPULATED SETTLEMENT (800-2018-041674)

Exhibit A

Accusation No. 800-2018-041674

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO AUGUST 24 2018
BY: Gody Wright ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2018-041674

13 **Petros Assefa Ayele, M.D.**
14 **17601 Harper Ferry Drive**
15 **Dumfries, VA 22025**

ACCUSATION

16 **Physician's and Surgeon's Certificate**
17 **No. A 103011,**

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about March 7, 2008, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 103011 to Petros Assefa Ayele, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate expired on June 30, 2017, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

6. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

1 CAUSE FOR DISCIPLINE

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3 **(Discipline, Restrictions, and Limitations Imposed by Another State)**

4 7. On or about December 8, 2017, the Virginia Board of Medicine issued an Order
5 whereby Respondent's license was reprimanded and subjected to the following terms and
6 conditions: within six (6) months from the date of entry of the Order, Respondent shall
7 successfully complete 15 Board-approved credit hours of medical record-keeping. The Order was
8 based on Findings of Fact and Conclusions of Law that Respondent failed to properly or timely
9 recognize, assess, diagnose, or treat a patient for a clostridium difficile infection, despite the
10 patient's deteriorating condition, resulting in the patient subsequently developing sepsis and
11 having to undergo a subtotal cholecotomy with placement of colostomy bag.

12 A copy of the Order and Findings of Fact and Conclusions of Law are attached as Exhibit
13 A.

14 8. Respondent's conduct and the action of the Virginia Board of Medicine as set forth in
15 paragraph 7, above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the
16 Code.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Medical Board of California issue a decision:

20 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 103011,
21 issued to Petros Assefa Ayele, M.D.;

22 2. Revoking, suspending or denying approval of Petros Assefa Ayele, M.D.'s authority
23 to supervise physician assistants and advanced practice nurses;

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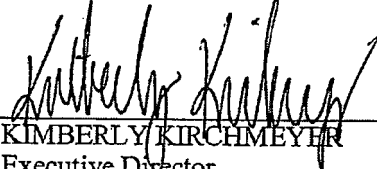
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1 3. Ordering Petros Assefa Ayele, M.D., if placed on probation, to pay the Board the
2 costs of probation monitoring; and

3 4. Taking such other and further action as deemed necessary and proper.

4
5 DATED: August 24, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Accusation No. 800-2018-041674

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: PETROS ASSEFA AYELE, M.D.
License Number: 0101-242641
Case Number: 171774

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Medicine ("Board") held an informal conference on December 6, 2017, in Henrico County, Virginia, to inquire into evidence that Petros Assefa Ayele, M.D., may have violated certain laws and regulations governing the practice of medicine and surgery in the Commonwealth of Virginia.

Petros Assefa Ayele, M.D. appeared at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Petros Assefa Ayele, M.D., was issued license number 0101-242641 to practice medicine and surgery on October 16, 2007, which is scheduled to expire on June 30, 2018. At all times relevant to the findings contained herein, said license was current and active.
2. Dr. Ayele violated Virginia Code § 54.1-2915.A(3) and (18) and 18 VAC 85-20-26.C of the Regulations Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic in his care and treatment of Patient A, a 65-year-old female, from approximately December 7 – 22, 2012, during her inpatient admission at a nursing and rehabilitation facility ("Facility") for physical and

occupational therapy following hospitalization for total right hip replacement surgery. Dr. Ayele failed to properly or timely recognize, assess, diagnose and/or treat Patient A for a clostridium difficile (“C. Diff.”) infection, despite the patient’s deteriorating condition, resulting in the patient subsequently developing sepsis and having to undergo a subtotal cholecotomy with placement of a colostomy bag. Specifically:

- a. During the 15-day treatment period, Dr. Ayele, who was Patient A’s attending physician as well as the facility’s medical director, saw/examined Patient A on one occasion, December 11, 2012 (four days after the patient’s admission), at which time he completed a one-page, cursory “Physician History & Physical Exam.” During the ensuing 11 days, his treatment of Patient A was effectuated by a series of telephone orders.
- b. On or about December 8, 2012, Patient A became febrile and was treated with Tylenol. On or about December 12, 2012, without adequate medical indication, Dr. Ayele issued a telephone order for Levaquin (C-VI) 500mg QD x 10 days, as a prophylactic for right hip infection, despite the fact that his exam note from the previous day indicated “R hip – clean surgical wound,” multiple nurse’s notes indicated that Patient A’s right hip incision showed no signs of infection or drainage and that the staples remained intact, and potent, broad-spectrum antibiotics increase patient risk for C. Diff. infection. That same day, Patient A, who continued to be febrile, became nauseous and was vomiting, and Dr. Ayele issued a telephone order for Phenergan (C-VI).
- c. On or about December 13, 2012, Patient A continued to complain of nausea and vomiting, and Dr. Ayele, without examining the patient, diagnosed acid reflux/indigestion and issued telephone orders for Zantac (C-VI) 150mg NTE and Phenergan.

- d. On or about December 14, 2012, Patient A was experiencing loose stools, which continued through on or about December 22, 2012. On this date, Dr. Ayele continued to prescribe Patient A Zantac and issued a telephone order for Imodium (C-VI) NE. On or about December 16, 2012, he issued a telephone order for Culturelle (C-VI).
- e. On or about December 17, 2012, Dr. Ayele was notified that Patient A was complaining of abdominal cramping with a pain level of 8/10, and that fatty substance was present in her stool (steatorrhea). Without seeing or examining Patient A, ordering a gastroenterology ("GI") or other appropriate consult or diagnostic testing or evaluation, and in the absence of a prior documented history of this condition, Dr. Ayele diagnosed Patient A with ulcerative colitis, prescribed her Asacol (C-VI) 800mg and Percocet (C-II) prn, and continued Levaquin.
- f. From December 17 – 22, 2012, during which time Patient A became increasingly nauseous and continued to experience loose, watery diarrhea, Dr. Ayele ordered daily CBC and CMP laboratory blood tests for Patient A, which indicated elevated/increasing values for BUN, creatinine, white blood cell ("WBC") count, neutrophils, and/or protein and albumin.
- g. On or about December 19, 2012, a facility nurse contacted Dr. Ayele and informed him that Patient A was febrile, her nausea and vomiting and diarrhea were worsening, she was experiencing upset stomach and dehydration, her fecal occult blood test was (+), and that Patient A's family requested that she be sent to the hospital emergency department ("ED"). Dr. Ayele instructed staff to put the hospital transfer request on hold until he examined the patient (Treatment records do not indicate that this examination occurred). On this same date, Dr. Ayele issued telephone orders sending Patient A to the hospital for PICC line placement and ordered IV saline, and Solu-Medrol (C-VI) for ulcerative colitis, again without examining the patient and/or ordering further work-up at the hospital.

- h. On or about December 20, 2012, Dr. Ayele ordered Flagyl (C-VI) 500mg for Patient A, Q 6H, which was initially administered to the patient the following day. On or about December 21, 2012, he discontinued Patient A's Solu-Medrol and ordered a five-day course of Prednisone (C-VI). Despite nurse documentation that IM Phenergan was having minimal effect, and that Patient A had blood in her loose stool, Dr. Ayele continued the patient on Phenergan for nausea and Imodium for continued loose stools.
 - i. On or about December 22, 2012, nurses documented that Patient A remained febrile, was in bed with severe, unabated abdominal pain, blood pressure of 82/58, and that she felt as though something was terribly wrong, and on this date, Patient A's BUN was 83, creatinine was 4.8, and WBC count was 53.91. Dr. Ayele telephonically ordered Patient A's emergency medical transport to the hospital for evaluation.
 - j. Hospital records indicate that within 24 hours (by December 23, 2012), Patient A's WBC rose to 74.65; and she had developed acute renal failure, hemodynamic instability and a rigid abdomen with peritoneal signs. Patient A was diagnosed with C. Diff. colitis resulting in severe sepsis, as well as toxic megacolon. Patient A was found to have approximately 2L of clear, yellow ascetic fluid in her abdomen with evidence of abdominal compartment syndrome and underwent a subtotal colectomy with placement of a colostomy bag.
3. Dr. Ayele stated that since this event, his group practice has made changes in order to avoid similar issues in the future. For example, the practice holds weekly meetings to better coordinate patient care and coverage of critical cases in each of the three (3) long term and/or skilled care facilities at which its practitioners treat patients. Dr. Ayele further stated that now a medical practitioner from his practice (e.g. physician or nurse practitioner) is at each of the three (3) facilities on a daily basis, to see patients.

ORDER

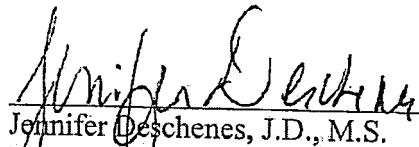
Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS that Petros Assefa Ayele, M.D., is REPRIMANDED. The Board further ORDERS that Dr. Ayele's license is subject to the following TERMS and CONDITIONS:

1. Within six (6) months from the date of entry of this Order, Dr. Ayele shall provide written proof satisfactory to the Board of successful completion of at least 15 Board-approved credit hours of continuing medical education ("CME") in the subject of medical record-keeping. The course(s) shall be approved in advance of registration by the Executive Director of the Board, and requests for approval must be received within 15 business days prior to the course date. All continuing education hours/courses shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses) and continuing education obtained through compliance with this term shall not be used toward licensure renewal.

2. Upon receipt of evidence that Dr. Ayele has complied with the foregoing term of this Order, the Executive Director is authorized to close this matter.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD


Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

ENTERED: _____

12/8/12

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Dr. Ayele may, not later than 5:00 p.m., on **January 11, 2018**, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on **January 11, 2018**, unless a request for a formal administrative hearing is received as described above.